

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JONATHAN BELL, RAY C. BELL, and GRANVILLE  
PALIN,

Plaintiffs,

-against-

CITY OF NEW YORK, DETECTIVE EDWARD  
RUSSOTTO (Shield No. 609), JOHN and JANE DOE 1  
Through 10, individually and in their official capacities,  
(the names of John and Jane Doe being fictitious, as the  
true names are presently unknown),

Defendants.

**STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISCONTINUANCE**

05 CV 124 (ARR)(KAM)

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ JUL 10 2005 ★

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

**WHEREAS**, plaintiffs commenced this action by filing a complaint on or about  
January 10, 2005, alleging that defendants violated their civil and state common law rights;

**WHEREAS**, defendants have denied any and all liability arising out of plaintiffs'  
allegations;

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation,  
without further proceedings and without admitting any fault or liability; and

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and  
without costs, expenses, or fees except as provided for in paragraph "2."

2. Defendant City of New York hereby agrees to pay plaintiffs the total sum  
of SIXTY THOUSAND DOLLARS (\$60,000), in full satisfaction of all claims inclusive of  
attorney's fees and costs. The settlement is allocated as follows: Plaintiff JONATHAN BELL

shall receive THIRTEEN THOUSAND THREE HUNDRED THIRTY THREE DOLLARS (\$13,333.00); Plaintiff RAY C. BELL shall receive THIRTEEN THOUSAND THREE HUNDRED THIRTY THREE DOLLARS (\$13,333.00); and Plaintiff GRANVILLE PALIN shall receive THIRTEEN THOUSAND THREE HUNDRED THIRTY THREE DOLLARS (\$13,333.00). In addition, the City of New York hereby agrees to pay plaintiffs' counsel, LEVENTHAL & KLEIN, LLP, the total sum of TWENTY THOUSAND AND ONE DOLLARS (\$20,001.00), in full satisfaction of all claims for attorney's fees. In consideration for the payment of these sums, plaintiffs agree to dismissal of all the claims against the individually named defendants and to release all defendants, any present or former employees and agents of the City of New York or the New York City Police Department, and the City of New York from any and all liability, claims, or rights of action arising from and contained in the complaint in this action.

3. In consideration for the sums paid in paragraph "2" above and in accordance thereto, plaintiffs hereby assign all their rights to attorneys' fees and costs to the law firm of Leventhal and Klein.

4. Each plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit of No Liens or an Affidavit Concerning Liens.

5. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations

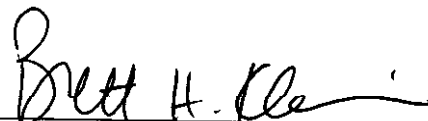
or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
June 23, 2005

LEVENTHAL AND KLEIN  
Attorneys for Plaintiff  
60 Bay Street  
7<sup>th</sup> Floor  
Staten Island, New York 10301  
(718) 556-9600

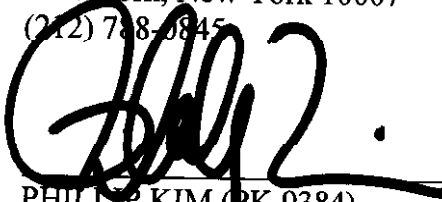
By:   
BRETT H. KLEIN (BK4744)

SQ ORDERED:

  
U.S.D.J.

7/12/05

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants  
100 Church Street, Room 3-195  
New York, New York 10007  
(212) 788-6845

By:   
PHILLIP KIM (PK 9384)